

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

HAROLD DEWHURST and DAVID BRYAN,)
on behalf of themselves and all other persons)
similarly situated, and UNITED STEEL, PAPER)
AND FORESTRY, RUBBER,)
MANUFACTURING, ENERGY, ALLIED)
INDUSTRIAL AND SERVICE WORKERS)
INTERNATIONAL UNION, AFL-CIO/CLC,)

Plaintiffs,

v.

CENTURY ALUMINUM COMPANY,)
CENTURY ALUMINUM OF WEST VIRGINIA,)
INC., CENTURY ALUMINUM MASTER)
WELFARE BENEFIT PLAN, and DOES 1)
THROUGH 20,)

Defendants.

Case No. 2:09-cv-1033
Judge John D. Holschuh
Mag. Judge Mark R. Abel

**DEFENDANTS' MOTION TO DISMISS OR TRANSFER THESE PROCEEDINGS TO
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

As set forth fully in Defendants' accompanying Memorandum in Support of Their Motion to Dismiss or Transfer These Proceedings, Defendants hereby move this Court to dismiss or transfer these proceedings to the Southern District of West Virginia, Charleston Division. First, because Defendant Century Aluminum of West Virginia, Inc. has a first-filed suit regarding the same issues and substantially similar parties pending in a district court of equal rank, the Court should respect the principles of comity and defer to the jurisdiction of the United States District Court for the Southern District of West Virginia. Second, because the center of gravity of this case is clearly in the Southern District of West Virginia, this Court should transfer the suit to the most appropriate forum, the Southern District of West Virginia, Charleston

Division, in the interests of convenience and justice, pursuant to 28 U.S.C. § 1404(a). A proposed Order has been attached for the Court's convenience.

Dated: December 4, 2009

Respectfully submitted,

s/E. Michael Rossman

E. Michael Rossman (OH 0070168)

Trial Attorney

JONES DAY

Street Address:

325 John H. McConnell Boulevard, Suite 600
Columbus, OH 43215-2673

Mailing Address:

P.O. Box 165017
Columbus, OH 43216-5017

Telephone: (614) 469-3939

Facsimile: (614) 461-4198

E-mail: emrossman@jonesday.com

Stanley Weiner (admission *pro hac vice*
forthcoming)

JONES DAY

North Point

901 Lakeside Avenue

Cleveland, OH 44114-1190

Telephone: (216) 586-7763

Facsimile: (216) 579-0212

E-mail: sweiner@jonesday.com

Sarah McClure (admission *pro hac vice*
forthcoming)

JONES DAY

51 Louisiana Avenue, N.W.

Washington, D.C. 20001-2113

Telephone: (202) 879-3811

Facsimile: (202) 626-1700

E-mail: sbmclure@jonesday.com

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2009, I electronically filed the foregoing Defendants' Motion to Stay Proceedings with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following at their e-mail addresses on file with the Court:

William T. Payne (Trial Attorney)
1007 Mount Royal Boulevard
Pittsburgh, PA 15223-1027
Phone: 412-492-8797
Fax: 412-492-8978
Email: wpayne@stemberfeinstein.com

John Edward Stember
Stephen M. Pincus
Stember Feinstein Doyle & Payne, LLC
1705 Allegheny Building
429 Forbes Avenue
Pittsburgh, PA 15219
Phone: 412-281-8400
Fax: 412-281-1007
Email: jstember@stemberfeinstein.com
Email: spincus@stemberfeinstein.com

s/E. Michael Rossman

Attorney for Defendants

WAI-2945596v1